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January 12, 2023

**VIA CM/ECF**

The Honorable Jessica S. Allen, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King Building & United States Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

Re: *D'Ambly v. Exoo, et. al.*, No. 2:20-cv-12880-JMV-JSA  
Request for Extension of Time to Meet and Confer

Your Honor:

This firm represents Defendants New York Daily News and Tribune Publishing Company, Inc. (“Defendants”) in the above-captioned matter. Defendants write to update Your Honor on the status of the parties’ meet and confer efforts consistent with the Court’s December 20, 2022 Order (ECF No. 147) and respectfully requests an additional seven (7) days to meet and confer due to unforeseen difficulties in receiving client documents for review.

Consistent with Your Honor’s Order, the parties are eager to conduct a meet and confer to discuss Defendants’ objections to Plaintiff’s key word search terms and attempt to come to agreement on the scope of the discovery. Towards this end, Defendants’ counsel has been working with the client since mid-December to obtain the custodians’ e-mail boxes from Defendants. Unfortunately, this process was delayed due to the key individuals responsible for collecting the email files becoming sick with COVID-19 and being out of the office until the first week of January.

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Nonetheless, on January 11, 2022, Defendants' counsel received the custodian's email files. Defendants' counsel is working diligently to process the very large files (70 GB of data containing approximately 310,000 documents) into our e-discovery platform so that we can immediately run a "hit report" detailing the number of emails that include Plaintiff's proposed search terms. This hit report will permit the parties' counsel to have an informed conversation on which search terms may be overbroad, disproportionate to the needs of the case, and unduly burdensome in light of the number of emails that include the terms and the time and costs that will be required to review those emails. The hit report will also permit the parties to explore how the terms may be narrowed, using, for example, Boolean search modifiers.

We will provide the hit report to Plaintiff's counsel by Friday, January 13, 2023, in anticipation for a meet and confer on Tuesday, January 17 or Wednesday, January 18, 2023. The parties can then prepare a joint letter on the status of resolving this dispute as requested by January 20, 2023.

Defendants' counsel has conferred with Plaintiff's counsel, Patrick Trainor, who confirmed that he is comfortable with the above plan.

Defendant's counsel sincerely apologizes for the delay in collecting the custodian email files and respectfully asks that the Court grant an additional seven (7) days for the parties to meet and confer to resolve their disputes over the search terms. Counsel is optimistic that the parties will be able to come to an agreement without court intervention within this time frame.

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Respectfully submitted,

*s/ Joseph Mulherin*

Attorney for Defendants Tribune Publishing Company  
and New York Daily News

cc: Patrick Trainor, Attorney for Plaintiff Daniel D'Ambly